

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

USCA Docket Number:

USDC Docket Number : 04-cv-11817

Catherine Deegan Patterson, et al

v.

United States of America, et al

CLERK'S CERTIFICATE

I, Sarah A. Thornton, Clerk of the United States District Court for the District of Massachusetts, do hereby certify that the annexed documents as indicated on the certified copy of the docket and contained in Volume(s) I are the original pleadings and constitute the record on appeal in the above entitled case for the Notice of Appeal filed on 7/6/05.

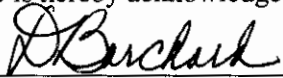
In testimony whereof, I hereunto set my hand and affix the seal of this Court on July 18, 2005.

Sarah A Thornton, Clerk of Court

By: 

Jeanette Ramos, Deputy Clerk

Receipt of the documents in the above entitled case is hereby acknowledged this date: 7/18/05.



Deputy Clerk, US Court of Appeals

Please complete the following information:

COURT OF APPEALS DOCKET NUMBER ASSIGNED: _____

APPEAL

**United States District Court
District of Massachusetts (Boston)
CIVIL DOCKET FOR CASE #: 1:04-cv-11817-JLT**

Patterson et al v. United States of America et al	Date Filed: 08/20/2004
Assigned to: Judge Joseph L. Tauro	Jury Demand: Plaintiff
Demand: \$400000000	Nature of Suit: 330 Federal
Cause: 28:1346 Wrongful Death	Employer's Liability
	Jurisdiction: U.S. Government Defendant

Plaintiff

Catherine Deegan Patterson represented by **Neil Rossman**

*individually and as she is the
Administratrix of the Estate of
Edward "Teddy" Deegan*

Rossman & Rossman
Two Hundred State Street
Marketplace Center-North
Boston, MA 02109
617-439-9559
Fax: 617-439-4434
*LEAD ATTORNEY
ATTORNEY TO BE
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Paul F. Denver
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*LEAD ATTORNEY
ATTORNEY TO BE
NOTICED*

Plaintiff

Yvonne Deegan Gioka

represented by **Neil Rossman**

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE

NOTICED

Paul F. Denver

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE

NOTICED

V.

Defendant

United States of America

represented by **Bridget Bailey Lipscomb**

U.S. Department of Justice

PO Box 888

Ben Franklin Station

Washington, DC 20044

202-616-9356

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Bridget.Lipscomb@usdoj.gov

ATTORNEY TO BE

NOTICED

Defendant

Dennis Condon

Date Filed	#	Docket Text
08/20/2004	51	COMPLAINT Filing fee: \$ 150, receipt number 58121, filed by Yvonne Deegan Gioka, Catherine

		Deegan Patterson. (Attachments: # <u>1</u>)(Abaid, Kim) (Entered: 08/23/2004)
08/20/2004	●	If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge Bowler. (Abaid, Kim) (Entered: 08/23/2004)
08/20/2004	●	Summons Issued as to Dennis Condon, United States of America, U.S. Attorney and U.S. Attorney General (Abaid, Kim) (Entered: 08/23/2004)
10/13/2004	● <u>2</u>	SUMMONS Returned Executed by Yvonne Deegan Gioka, Catherine Deegan Patterson. United States of America served on 9/21/2004, answer due 11/22/2004. (Abaid, Kim) (Entered: 10/14/2004)
10/13/2004	● <u>3</u>	SUMMONS Returned Executed by Yvonne Deegan Gioka, Catherine Deegan Patterson. United States of America - Attorney General John D. Ashcroft served on 9/21/2004, answer due 11/22/2004. (Abaid, Kim) (Entered: 10/14/2004)
10/13/2004	● <u>4</u>	SUMMONS Returned Executed by Yvonne Deegan Gioka, Catherine Deegan Patterson. Dennis Condon served on 9/21/2004, answer due 11/22/2004. (Attachments: # <u>1</u>)(Abaid, Kim) (Entered: 10/14/2004)
11/22/2004	● <u>5</u>	NOTICE of Appearance by Bridget Bailey Lipscomb on behalf of United States of America (Lipscomb, Bridget) (Entered: 11/22/2004)
11/22/2004	● <u>6</u>	MOTION to Dismiss for Lack of Jurisdiction by United States of America. (Attachments: # <u>1</u> Exhibit 1# <u>2</u> Exhibit 2# <u>3</u> Exhibit 3# <u>4</u> Exhibit 4# <u>5</u> Exhibit 5a# <u>6</u> Exhibit 5b# <u>7</u> Exhibit 5c# <u>8</u> Exhibit 5d# <u>9</u> Exhibit 5e# <u>10</u> Exhibit 6# <u>11</u> Text of Proposed Order) (Lipscomb, Bridget) (Entered: 11/22/2004)
11/22/2004	● <u>7</u>	MEMORANDUM in Support re <u>6</u> MOTION to Dismiss for Lack of Jurisdiction filed by United States

		of America. (Lipscomb, Bridget) (Entered: 11/22/2004)
12/06/2004	● <u>8</u>	MOTION for Extension of Time to January 7, 2005 to File an Opposition to the Motion to Dismiss by Yvonne Deegan Gioka, Catherine Deegan Patterson. (Abaid, Kim) (Entered: 12/07/2004)
12/08/2004	●	Judge Joseph L. Tauro : ELECTRONIC ORDER entered granting <u>8</u> Plaintiff's Motion for Extension of Time to File Opposition to Defendant's Motion to Dismiss. (Lovett, Zita) (Entered: 12/08/2004)
01/07/2005	● <u>9</u>	MOTION for Leave to Submit Additional Evidentiary Materials by Catherine Deegan Patterson, Yvonne Deegan Gioka.(Abaid, Kim) (Entered: 01/10/2005)
01/07/2005	● <u>10</u>	Opposition re <u>6</u> MOTION to Dismiss for Lack of Jurisdiction filed by Catherine Deegan Patterson, Yvonne Deegan Gioka. (Abaid, Kim) (Entered: 01/10/2005)
01/11/2005	● <u>11</u>	Opposition re <u>9</u> MOTION for Leave to File filed by United States of America. (Lipscomb, Bridget) (Entered: 01/11/2005)
01/20/2005	●	Judge Joseph L. Tauro : Electronic ORDER entered denying without prejudice until completion of discovery allowed <u>6</u> Motion to Dismiss for Lack of Jurisdiction. (Abaid, Kim) (Entered: 01/20/2005)
01/20/2005	●	Judge Joseph L. Tauro : Electronic ORDER entered granting <u>9</u> Motion for Leave to File Additional Evidentiary Materials. (Abaid, Kim) (Entered: 01/20/2005)
02/22/2005	● <u>12</u>	MOTION for Extension of Time to March 22, 2005 to Submit Evidentiary Materials by Catherine Deegan Patterson, Yvonne Deegan Gioka.(Abaid, Kim) (Entered: 02/23/2005)
02/24/2005	●	Judge Joseph L. Tauro : Electronic ORDER entered

		granting <u>12</u> Motion for Extension of Time (Lovett, Zita) (Entered: 02/24/2005)
03/22/2005	<u>13</u>	Submission of AFFIDAVIT of Richard Deegan by Catherine Deegan Patterson, Yvonne Deegan Gioka. (Abaid, Kim) (Entered: 03/22/2005)
03/23/2005	<u>14</u>	MOTION to Dismiss for Lack of Jurisdiction <i>Renewed Motion</i> by United States of America.(Lipscomb, Bridget) (Entered: 03/23/2005)
03/23/2005	<u>15</u>	MOTION for Leave to File <i>Reply Brief</i> by United States of America.(Lipscomb, Bridget) (Entered: 03/23/2005)
03/24/2005		Judge Joseph L. Tauro : Electronic ORDER entered granting <u>15</u> Motion for Leave to File Reply Brief (Abaid, Kim) (Entered: 03/28/2005)
04/21/2005	<u>16</u>	REPLY to Response to Motion re <u>6</u> MOTION to Dismiss for Lack of Jurisdiction filed by United States of America. (Attachments: # <u>1</u> Exhibit 1# <u>2</u> Exhibit 2# <u>3</u> Exhibit 3# <u>4</u> Exhibit 4)(Lipscomb, Bridget) (Entered: 04/21/2005)
06/08/2005	<u>17</u>	Judge Joseph L. Tauro : ORDER entered granting <u>14</u> Motion to Dismiss for Lack of Jurisdiction. Because all of Plaintiffs' claims are barred by 28 USC 2401(b), this case is closed. (Abaid, Kim) (Entered: 06/08/2005)
06/08/2005	<u>18</u>	Judge Joseph L. Tauro : ORDER entered. MEMORANDUM AND OPINION(Abaid, Kim) (Entered: 06/08/2005)
07/06/2005	<u>19</u>	NOTICE OF APPEAL as to <u>18</u> Memorandum & Opinion by Catherine Deegan Patterson, Yvonne Deegan Gioka. NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov/clerks/transcript.htm

		MUST be completed and submitted to the Court of Appeals. Appeal Record due by 7/26/2005. (Patch, Christine) (Entered: 07/07/2005)
07/07/2005	●	Filing fee: \$ 255, receipt number 65463 regarding <u>19</u> Notice of Appeal (Abaid, Kim) (Entered: 07/13/2005)